

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
04-CV-2950 (JMR/FLN)

Bruce G. Van Ornum and)	
Steven G. Shore)	
)	
v.)	ORDER
)	
Transamerica Capital, Inc.;)	
Paul Nelson and)	
Larry Norman, as individuals)	

Plaintiffs object, in part, to the Report and Recommendation issued October 12, 2006, by the Honorable Franklin L. Noel, United States Magistrate Judge. The Magistrate recommended that defendants' motion for leave to file a renewed motion for summary judgment be granted, and that defendants' motion for summary judgment be granted in part and denied in part. Plaintiffs' objections to the Report were timely filed pursuant to Local Rule 72.1(c)(2).

The Court reviewed the Magistrate's recommendation as to the nondispositive matter of leave to file a renewed motion for summary judgment under the "clearly erroneous or contrary to law" standard. The Magistrate's recommendation as to the dispositive matter of summary judgment was reviewed by the Court de novo.

After reviewing the record herein, the Court adopts the Magistrate's Report and Recommendation [Docket No. 378]. Accordingly, IT IS ORDERED that:

1. Defendants' motion for leave to file a renewed motion for summary judgment on Count III of plaintiffs' amended complaint [Docket No. 343] is granted.

2. Defendants' motion for summary judgment on Count III of plaintiffs' amended complaint [Docket No. 345] is granted in part, and denied in part, as follows:

a. As to defendant Norman, defendant's motion is granted.

b. As to plaintiff Shore's claim against defendant Nelson, defendant's motion is granted.

c. As to plaintiff Van Ornum's claim against defendant Nelson, defendant's motion is denied.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 13th, 2006

s/ James M. Rosenbaum
JAMES M. ROSENBAUM
United States Chief District Judge